

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(118)

**CR No.4229 of 2023
Date of Decision: 31.07.2023**

Rahul Kumar

.....Petitioner

Versus

Achal Kumar Jain and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajan Bansal, Advocate, for the petitioner.

HARKESH MANUJA, J.(ORAL)

1. By way of present revision petition, challenge has been made to an order dated 22.07.2022 passed by the Rent Controller, Barnala, whereby, the defence of the petitioner/respondent No.2 has been struck off denying him the right to file his written statement.

2. Briefly stating, an eviction petition came to be filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, qua the tenanted premises against the petitioner wherein the petitioner put in appearance on 02.03.2021.

3. Having failed to file his written statement despite number of opportunities, his defence was struck off by the Rent Controller vide order dated 22.07.2022. Impugning the said order, learned counsel for the petitioner submits that in case the petitioner is not permitted to file his written statement, his substantial rights would be prejudiced as he would not be able to put forth his defence in the eviction petition.

4. I have heard learned counsel for the petitioner and gone through the paper book.

5. Though, there does not appear to be any perversity in the order

passed by the Rent Controller, however, in order to advance the cause of justice and to avoid adopting hyper technicalities, petitioner is afforded one last opportunity to file his written statement on the date fixed i.e. 19.08.2023, considering the fact that the proceedings before Rent Controller are still at the primitive stage of completion of pleadings only.

6. The aforesaid order shall however be subject to payment of costs of Rs.15,000/- to be paid to the respondent-landlord before the Rent Controller. It is made clear that the present revision is disposed of without issuance of notice to the respondents so as to avoid further delay in disposal of the main rent petition pending before the Court below and also to save respondents from the burden of unnecessary litigation expenses.

6. Disposed of accordingly.

(HARKESH MANUJA)
JUDGE

31.07.2023
anil

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No